

effect on a measurement result of the specific component obtained by analysis with the biosensor, an adsorbent that adsorbs and removes an interfering substance from the sample solution, and a buffer agent that adjusts a pH of the sample solution to a pH range adequate for an activity of an enzyme in the biosensor; and

(c) a sample releasing part;

wherein the instrument is not physically coupled to the biosensor.

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24. (Amended) The instrument of claim 19, further comprising a heater for heating the sample solution.

29. (Amended) A sample solution treating instrument comprising a sample treating unit and a sample supply unit, wherein the sample treating unit contains an agent that converts the sample solution to a condition for analysis with a biosensor that electrochemically measures a specific component in a sample solution, the agent selected from the group consisting of a catalyst that converts an interfering substance in the sample solution to a harmless substance having no adverse effect on a measurement result of a specific component obtained by analysis with the biosensor, an adsorbent that adsorbs and removes an interfering substance from the sample solution, and a buffer agent that adjusts a pH of the sample solution to a pH range adequate for an activity of an enzyme in the biosensor, and the sample supply unit is made of an elastic material that retains the sample solution inside the sample supply unit, but wherein the instrument is not physically coupled to a biosensor.

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opposition

REMARKS

Claims 19, 21, 24, 25, and 29 are pending in the application. Claims 19, 24, and 29 have been amended. Support for the amendment is found at least in claims 1-7 as originally filed, Figure 4, and the specification at page 13, lines 5-25, and at pages 5-6.

Pursuant to 37 C.F.R. § 1.121, a marked-up version of the amended claims, showing the changes made, is attached hereto.

For the Examiner's convenience, a complete set of pending claims is provided.

This amendment is supplemental to Amendment After Final, filed June 27, 2002. Thus, the applicants request the consideration of the arguments put forth in that amendment, in addition to the amendments and arguments presented herein.

In Paper No. 17, the Examiner has stated that the term "capable" renders claims 19, 24, and 29 indefinite under 35 U.S.C. § 112. While not necessarily agreeing with the Examiner, the

claims have been amended in to omit use of the term "capable". Accordingly, it is requested that the Examiner's § 112 rejection on this basis be reconsidered and withdrawn.

In the Advisory Office Action (Paper No. 17), the Examiner has indicated that the applicants' previous reply has overcome the rejections based upon Khanna and Liu, but the Examiner appears to maintain the § 102 rejections based upon Rosman, Kondo, and Blatt. The applicants re-assert the traversal of these rejections.

As discussed in further detail in the prior response, none of the references teaches each element of the invention as claimed, specifically, a sample solution treating instrument having a control means comprising an agent which is a catalyst, an adsorbent or a buffer agent as is recited in the claims. Each of these references teaches removal of any interfering components by use of a filter through which the liquid or sample is passed, thereby separating the interfering substances by a physical separation. If the Examiner decides to maintain the rejections based upon Rosman, Kondo, and Blatt, a detailed explanation of why the Examiner believes the applicants' arguments to be unpersuasive is respectfully requested.

CONCLUSION

In light of the foregoing and the prior response, it is respectfully submitted that the pending claims are fully complaint with 35 U.S.C. § 112. Further, all claims are patentably distinguishable over all cited prior art. Consequently, reconsideration and allowance of all pending claims are respectfully requested at the earliest opportunity.

Respectfully submitted,

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3 September 2002

DATE

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Enclosures

*Marked Up Version of Amended Claims
Complete Set of Pending Claims*



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Marked Up Version of Claims, as Amended by Supplemental Amendment

Filed September 3, 2002

U.S. Appln. Serial No. 09/420,719

19. (Twice amended) A sample solution treating instrument comprising:

(a) a sample introducing part;

(b) a control means for converting a sample solution to a condition for

analysis by a biosensor that electrochemically measures a specific component in the sample solution, wherein the control means comprises an agent selected from the group consisting of a catalyst ~~which is capable of converting that converts~~ an interfering substance in the sample solution to a harmless substance having no adverse effect on a measurement result of the specific component obtained by analysis with the biosensor, an adsorbent ~~which is capable of adsorbing and removing that adsorbs and removes~~ an interfering substance from the sample solution, and a buffer agent ~~which is capable of adjusting that adjusts~~ a pH of the sample solution to a pH range adequate for an activity of an enzyme in the biosensor; and

(c) a sample releasing part;

wherein the instrument is not physically coupled to the biosensor.

24. (Amended) The instrument of claim 19, further comprising a heater ~~which is capable of heating for heating~~ the sample solution.

29. (Amended) A sample solution treating instrument comprising a sample treating unit and a sample supply unit, wherein the sample treating unit contains an agent ~~capable of converting that converts~~ the sample solution to a condition for analysis with a biosensor that electrochemically measures a specific component in a sample solution, the agent selected from the group consisting of a catalyst ~~which is capable of converting that converts~~ an interfering substance in the sample solution to a harmless substance having no adverse effect on a measurement result of a specific component obtained by analysis with the biosensor, an adsorbent ~~which is capable of adsorbing and removing that adsorbs and removes~~ an interfering substance from the sample solution,

and a buffer agent which is capable of adjusting~~that adjusts~~ a pH of the sample solution to a pH range adequate for an activity of an enzyme in the biosensor, and the sample supply unit is made of an elastic material that retains the sample solution inside the sample supply unit, but wherein the instrument is not physically coupled to a biosensor.